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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/083,028      | 02/26/2002  | Kirk Steven Tecu     | 10015912-1          | 3123             |

7590 03/11/2005

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EXAMINER

DANIELS, ANTHONY J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2615

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/083,028

**Applicant(s)**

TECU ET AL.

**Examiner**

Anthony J. Daniels

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,2,4,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Keenan (US # 5,317,403).

***The “image capturing device” language in the preamble is not afforded the effect of a distinguishing limitation unless the body of the claims set forth structure which refers back to, is defined by, or otherwise draws life and breath from the preamble.***

As to claim 1, Keenan teaches a device, comprising: a wireless receiver (see Figure 1, IR receiver “119”) capable of receiving remote control commands from a wireless remote control device (see Figure 1, remote control “128”; Col. 2, Lines 52-56); at least one input device capable of accepting user inputs (see Figure 1, local keyboard “118”; Col. 2, Lines 52-55); a memory (see Figure 1, “RAM 120”) including a learned commands table (see Figure 4, channel memory “400”; (Col. 2, Lines 56-69)) that stores one or more received remote control commands (see Figure 4, digits 0-9; Col. 4, Lines 44-54; {Digits 0-9 are input via remote control (see Col.3, Lines 20-22).}) and associated user input commands (see Col. 4, Lines 44-67; Col. 5, Lines 1-35;

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*{The channels are input via the keyboard on the television (see Figure 4, Col. 3, lines 20-22)).*

*Television may be tuned to with the keyboard (“...currently tuned channel...” ) and the digits 0-9 may be input by remote control (“...next digit key pressed.”)); and a processor (see Figure 1, Control Microprocessor “110”) communicating with said wireless receiver, said at least one input device (see Col. 2, Lines 52-55), and said memory (It is inherent in the system of Keenan that the CPU communicates with the ROM and RAM to execute a timing loop subroutine as taught in Col. 5, Lines 5-8)), with said processor receiving a remote control command from said wireless receiver (see Col. 2, Lines 52-55), receiving a user input from said at least one input device (see Col. 2, Lines 52-55), recalling a user input command corresponding to said user input (It is inherent in the system of Keenan that when a channel is selected on the keyboard of the television, the television will recognize that command and tune to the appropriate channel.), associating said remote control command with said user input command, and storing said remote control command and said user input in said learned command table (see Col. 2, Lines 56-60).*

As to claim 2, Keenan teaches the device of claim 1, wherein said wireless receiver comprises an infrared (IR) receiver (see Figure 1, IR Receiver “119”).

As to claim 4, Keenan teaches the device of claim 1, further comprising a learnable commands table (see Figure 4, channel memory “400”) that specifies one or more user input commands that are capable of being associated with said remote control commands (*The table shows channel 03 which is capable of being associated with the remote control command 0*).

As to claim 6, Keenan teaches the device of claim 1, further comprising a user input commands table for recalling one or more particular user input commands corresponding to a particular user input (*It is inherent in the system of Keenan that a memory be included that*

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*recognizes a command that corresponds to a particular user input. This occurs when a button is pressed for a channel on the keyboard of the television and that channel is displayed.).*

2. Claims 7-12,25,26 are rejected under 35 U.S.C. 102(e) as being anticipated by Pyle et al. (US 20030122936).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As to claim 7, Pyle et al. teaches a remote control method for an image capturing device (see Abstract, Lines 1-3), comprising the steps of: receiving a remote control command in said image capturing device from at least one wireless remote control (see [0021]); receiving a user input in said image capturing device (*It is inherent in the system of Pyle et al. that a user has input a command to the image capturing device at some time.*); recalling a user input command corresponding to said user input (*It is also inherent in the system of Pyle et al. that once the command is received it is recognized as being the appropriate command.*); associating said remote control command with said user input command (see [0038]); and storing said remote control command and said user input command in an entry of a learned command table (see Figure 2, association table “250”; [0043]); wherein said image capturing device learns said remote control command from said at least one wireless remote control (see [0042]).

As to claim 8, Pyle et al. teaches the method of claim 7, further comprising a preliminary step of placing said image capturing device in a learning mode (*Examiner interprets learning mode as the image capturing device being powered on; thus, a power on switch is inherent in the system of Pyle et al., and it is a preliminary step of this method.*).

As to claim 9, Pyle et al. teaches the method of claim 7, wherein the step of receiving a remote control command is performed only if said image capturing device is in a learning mode (*A remote control command cannot be received unless power is provided to the device.*).

As to claim 10, Pyle et al. teaches the method of claim 7, wherein the step of receiving a user input is performed only if said image capturing device is in a learning mode (*A user input cannot be received unless power is provided to the device.*).

As to claim 11, Pyle et al. teaches the method of claim 7, wherein the associating step is performed only if said user input command is in a learnable commands table (*It is inherent in the system of Pyle et al. that an IR bit stream not recognized by the system will not be associated.*).

As to claim 12, Pyle et al. teaches the method of claim 7, further comprising the steps of: recalling a slideshow user input command corresponding to said remote control command if said remote control command is a slideshow command (see [0034]; [0043]; Table 1, Pages 3 and 4); and performing a slideshow operation in said image capturing device corresponding to said slideshow user input command (see [0034]).

As to claim 25, Pyle et al. teaches a remote control method for an image capturing device (see Abstract, Lines 1-3), comprising the steps of: receiving a slideshow remote control command in said image capturing device from a wireless remote control (see [0034]); recalling a slideshow user input command corresponding to said slideshow remote control command (see

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[0034]; [0043]; Table 1, Pages 3 and 4); and performing a slideshow operation corresponding to said slideshow user input command (see [0034]).

As to claim 26, Pyle et al. teaches the method of claim 25, further comprising the step of learning said slideshow remote control command (see [0034], [0047]).

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keenan (see Patent Number above).

As to claim 3, Keenan teaches the device of claim 1. Although Keenan does not explicitly teach the wireless receiver comprising a radio frequency (RF) receiver, **Official Notice** is taken that the use of radio frequency receivers is well known and expected in the art. It would have

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been obvious to one of ordinary skill in the art to use such a receiver, because radio frequency receivers can receive incoming signals though the remote control that sends those signals is not pointed directly at the receiver.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keenan (see Patent Number above) in view of Schick et al. (US 20030093445).

As to claim 5, Keenan teaches the device of claim 1, wherein said learned commands table stores one or more user input commands that are associated with one or more remote control commands (see Col. 4, Lines 44-67; Col. 5, Lines 1-35; *{The channels are input via the keyboard on the television (see Figure 4, Col. 3, lines 20-22)). Television may be tuned to with the keyboard ("...currently tuned channel..."}*) and the digits 0-9 may be input by remote control (*"...next digit key pressed."}*)). The claim differs from Keenan in that it further requires that one or more of the user input commands be a slide show command.

In the same field of endeavor, Schick et al. teaches a remote control command that is a slide show command associated with a user input control on a set top box (see Figure 8; [0064]). In light of the teaching of Schick et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a slide show command as a command controllable in the remote of Keenan, because an artisan of ordinary skill would recognize that the user in Keenan would be able to look through his/her favorite channels in one press of a button.



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5. Claims 13-17,19-22,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keenan (see Patent Number above) in view of Wakui (US # 6,256,060).

As to claim 13, Keenan teaches receiving a remote control command from at least one wireless remote control (see Col. 2, Lines 52-55); determining if a device is in a learning mode (see Col. 4, Lines 55-59; channel up key being pressed is interpreted as the determination of learning mode); receiving a user input in said device if said device is in said learning mode (see Col. 4, Lines 44-55; *{The keyboard can be used to tune to the appropriate channel when the channel up key is pressed.}*); recalling a user input command corresponding to said user input if said image capturing device is in said learning mode (see Col. 4, Lines 44-55; *{The television recognizes the command and tunes to the appropriate station}*); associating said remote control command (see Col. 4, Lines 44-55, "...digit key...") with said user input command (see Col. 4, Lines 44-55; *{The tuning to the appropriate channel via keyboard.}*) if said image capturing said learning mode (see Col. 4, Lines 55-59; "...channel up for three seconds..."); and storing said remote control command and said user input command in an entry of a learned command table if said image capturing device is in said learning mode (see Figure 4; channel memory "400"; Col. 5, Lines 13-35); wherein said image capturing device learns said remote control command from said at least one wireless remote control (see Col. 5, Lines 18-22; "...digit key being pressed..."). The claim differs from Keenan in that it further requires that the device be an image capturing device, and the display of a not known status if said remote control command is not stored in a learned commands table in said image capturing device. Although Keenan does not explicitly teach a display of a not known status if a remote control command is not stored in a learned commands table, **Official Notice** is taken that the display of error messages to a user if a

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commanded program is not available is well known and expected in the art. It would have been obvious to employ such a message, because these messages supply clear evidence of either erroneous or neglected programming in a device.

In the same field of endeavor, Wakui teaches a remote control controlling the functions of an image capturing device (see Abstract). In light of the teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the system of Keenan in the system of Wakui, because an artisan of ordinary skill in the art would recognize that remote controls cameras remotely are well known in the art and provide the flexibility of operation known to televisions.

As to claim 14, Keenan, as modified by Wakui, teaches the method of claim 13, further comprising a preliminary step of placing said image capturing device in a learning mode (see Col. 4, Lines 55-63; channel up key being held for 3 seconds).

As to claim 15, Keenan, as modified by Wakui, teaches the method of claim 13, wherein the step of receiving a remote control command (see Col. 5 Lines 18-22; "...digit key being pressed...") is performed only if said image capturing device is in a learning mode (see Col. 5, Lines 20-22; "...channel up key being held active for 3 seconds...").

As to claim 16, Keenan, as modified by Wakui, teaches the method of claim 13, wherein the step of receiving a user input is performed only if said image capturing device is in a learning mode (see Col. 4, Lines 44-55; *{The keyboard can be used to tune to the appropriate channel when the channel up key is pressed.}*).

As to claim 17, Keenan, as modified by Wakui, teaches the method of claim 13, wherein the associating step is performed only if said user input command is in a learnable commands

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table (*It is inherent in the system of Keenan, as modified by Wakui, that the channel up or down command could not be associated with a channel, because the association is made to the currently tuned channel.*).

As to claim 19, Keenan teaches a remote control method for a device, comprising the steps of: initiating a learning mode in a device (see Col. 4, Lines 55-63, channel up key held active for 3 seconds); selecting a user input command of a device (*Tuning to the channel to be stored on the keyboard of television is the user input command*); receiving a remote control command from a wireless remote control (see Col. 5, Lines 18-22; Col. 3, Lines 20-22); and storing said remote control command and said user input command in an entry of a learned command table (see Figure 4, channel memory "400"; Col. 5, Lines 14-18). The claim differs from Keenan in that it further requires that said device is an image capturing device.

In the same field of endeavor, Wakui teaches a remote control controlling the functions of an image capturing device (see Abstract). In light of the teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the system of Keenan in the system of Wakui, because an artisan of ordinary skill in the art would recognize that remote controls cameras remotely are well known in the art and provide the flexibility of operation known to televisions.

As to claim 20, Keenan, as modified by Wakui, teaches the method of claim 19, wherein the initiating, selecting, receiving, and storing steps are iteratively performed for a plurality of user input commands of said image capturing device (see Figure 4, channel memory "400"; *{It is inherent in the system of Keenan, as modified by Wakui, that this process can be performed for all 9 available favorite channels.}*).

As to claim 21, Keenan, as modified by Wakui, teaches the method of claim 19, wherein the initiating, selecting, receiving, and storing steps are iteratively performed for a learnable subset of user input commands of said image capturing device (*It is inherent in the system of Keenan, as modified by Wakui, that the channel up or down command could not be associated with a remote control, that is to say that the currently tuned to channel is what is associated with 0-9 remote control commands.*).

As to claim 22, Keenan, as modified by Wakui, teaches the method of claim 19, wherein said image capturing device waits a predetermined wait period to receive said remote control command (see Keenan, Col. 5, Lines 18-22).

As to claim 24, Keenan, as modified by Wakui, teaches the method of claim 19, wherein the associating step is performed only if said user input command is in a learnable commands table (*It is inherent in the system of Keenan, as modified by Wakui, that the channel up or down command could not be associated with a remote control, that is to say that the currently tuned to channel is what is associated with 0-9 remote control commands.*).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keenan (see Patent Number above) in view of Wakui (see Patent Number above) and further in view of Schick et al. (see Patent Number above).

As to claim 18, Keenan, as modified by Wakui, teaches the method of claim 13, further comprising the steps of: recalling a user input command corresponding to a remote control command (see Col. 4, Lines 44-55; *{The television recognizes the command and tunes to the appropriate station}*); performing an operation corresponding to a user input command (*It is*

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*inherent in the system of Keenan, as modified by Wakui, that the remote control command be performed and correspond to tuning to the station when inputted on the keyboard.*). The claim differs from Keenan, as modified by Wakui, in that it further requires that the remote control command and said operation be a slide show command.

In the same field of endeavor, Schick et al. teaches a remote control slide show command in viewing images (see Figure 8, para [0064]). In light of the teaching of Schick et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and remote control of Keenan, as modified by Wakui, to include the slide show command of Schick et al., because an artisan of ordinary skill would recognize that the user in Keenan, as modified by Wakui, would be able to look through his/her favorite images in one press of a button.

#### ***Allowable Subject Matter***

9. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As to claim 23, the prior art does not teach or fairly suggest an image capturing device waiting a predetermined wait period to receive a remote control command and selecting a next user input if the predetermined wait period expires.

#### ***Conclusion***

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362.

The examiner can normally be reached on 8:00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD  
03/07/2005

  
NGOC-YEN VU  
PRIMARY EXAMINER